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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 DONALD DEE MARTIN,

10 Petitioner,

11 vs.

12 RENEE BAKER, et al.,

13 Respondents.

Case No. 3:13-cv-00306-RCJ-WGC

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ORDER

15 The court noted that the petition for a writ of habeas corpus appeared to be untimely
16 pursuant to 28 U.S.C. § 2244(d), and the court directed petitioner to show cause why the action
17 should not be dismissed. Order (#5). Petitioner has not responded within the allotted time, and the
18 court will dismiss the action as untimely.

19 Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the
20 court will not issue a certificate of appealability.

21 IT IS THEREFORE ORDERED that this action is **DISMISSED** with prejudice as untimely.
22 The clerk of the court shall enter judgment accordingly.

23 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

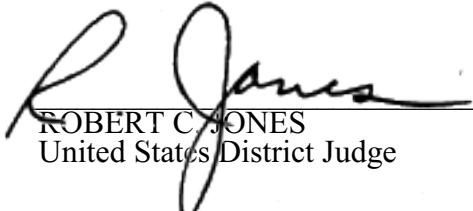
24 Dated: This 17th day of January, 2014.

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ROBERT C. JONES
United States District Judge